In the Supreme Court of the United States

OCTOBER TERM, 1962

No. 962

JOHN N. THOMPSON, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

The petition in this case was not filed within the time prescribed by law. Section 2101(c) of Title 28 provides that "any writ of certiorari intended to bring any judgment or decree in a civil action * * * before the Supreme Court for review shall be taken or applied for within ninety days after the entry of said judgment or decree." As the record filed by petitioner shows,* the judgment of the court of ap-

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* Transcript, p. 4.

peals was entered on November 21, 1962, not on December 29, 1962, as stated by petitioner (Pet. 2). No extension having been granted by this Court, the time for filing expired on February 19, 1962. The petition was not in fact filed until March 29, 1963. It must therefore be dismissed as untimely.

Respectfully submitted.

ARCHIBALD COX,
Solicitor General.

APRIL 1963.

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